

REMARKS

By the present amendment, claims 15 and 28-39 are pending in the application.

Allowable Subject Matter

The applicants are pleased to note that the Office Action advises at page 3 that independent claims 15 and 29-38 are allowable.

Claim Amendments

Independent claim 28 has been amended to change “composed of” to --consists of--.

Independent claim 39, which is a product claim, has been amended to delete the process type limitation “obtained by loading” and replace it with the structural type limitation --loaded on--.

New matter is not being presented by the present amendment.

§112, ¶2

Claim 39 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response to this rejection, independent product claim 39 has been amended to delete the process type limitation “obtained by loading” and replace it with the structural type limitation --loaded on--.

Amended independent claim 39 now defines a product which is a combination of a specifically defined catalyst loaded on a hydrogenolysis catalyst for formic ester. It is therefore submitted that amended independent claim 39 is very specific.

In view of the present amendment, it is respectfully requested that the rejection of claim 39 under 35 U.S.C. §112, second paragraph, be withdrawn.

There have been no rejections of claim 39 over the prior art.

It is therefore submitted that amended independent claim 39 is patentable.

§102

Claim 28 was rejected under 35 U.S.C. §102(b) as being anticipated by Kotowski et al. (PL 157499; abstract only).

This rejection, as applied to amended claim 28, is respectfully traversed.

The English abstract of PL 157499, cited by the Office Action, discloses a catalyst used for the preparation of a mixture of aliphatic Cl – 4 alcs. with MeOH and isobutanol from a mixture of Co, H₂, and CO₂ (synthesis gas). The catalyst of claim 28 of the present application is for producing methanol from an alcohol. Such a catalyst facilitating the formation of methanol from an alcohol is not disclosed or suggested by the cited abstract of PL ‘499.

In addition, the catalyst of the cited abstract of PL ‘499 contains “Zr” as an essential element, which the catalyst of the present invention does not include. Amended claim 28 uses the claim language --consists of -- which clearly excludes the “Zr” of PL ‘499 from the catalyst of the present invention defined in amended independent claim 28.

It is therefore submitted that amended independent claim 28 is patentable over the English abstract of PL 157499.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

KENYON & KENYON

By: 

John J. Kelly, Jr.
Reg. No. 29,182

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KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

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